



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3017182
Applicant Name: Justin Toney for Thomas Antonoff
Address of Proposal: 3422 1st Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow grading of 36,000 cu. yds. of material. Project includes removing 18,000 cu. yds. of contaminated soil and replacing with 18,000 cu. yds. of clean fill.

The following approval is required:

SEPA - Environmental Determination
Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Project Description

The subject site is located at the east side of 1st Avenue one-half block north of the West Seattle Bridge and two blocks east of Alaskan Way. The 2.04 acre parcel is zoned IG1/U85.

The project is to excavate 18,000 cu. yds. of contaminated soil from the site and replace it with 18,000 cu. yds. of clean fill. Structures on the site were demolished under separate permits.

Public Comment

The public comment period for a Revised Notice of Application ended April 23, 2014. No comments were received. The original Notice of Application (published April 4, 2014) had incorrectly stated the number of cubic yards of soil to be removed and replaced.

ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11 and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 30, 2013. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. However, due to the temporary nature or limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations.

Codes and development regulation applicable to this proposed project will provide sufficient mitigation from short and/or long term impacts. Applicable codes may include the Stormwater Code (SMC22.800-808), the Grading Code (SMC22.170), the Street Use Ordinance (SMC Title 15), the Building Code, and Noise Control Ordinance (SMC 25.08).

Short Term Impacts

The following temporary or grading-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during demolition; increased noise and vibration from grading operations and equipment; increased traffic and parking demand from grading personnel; tracking of mud onto adjacent streets by grading vehicles; and vehicle/pedestrian conflicts adjacent to the site. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment

Greenhouse Gas Emissions

Construction and demolition activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Air Quality

Grading will create dust, leading to an increase in the level of suspended particulates in the air, which could be carried by winds out of the construction area. The Street Use Ordinance (SMC Chapter 15.22)

requires watering the site, as necessary, to reduce dust. In addition, the Puget Sound Clean Air Agency (PSCAA regulation 9.15) requires that reasonable precautions be taken to avoid dust emissions. In addition to spraying water or chemical suppressants, this may require activities that produce air-borne materials or other pollutant elements to be contained within a temporary enclosure. Grading could require the use of heavy trucks and smaller equipment such as generators and compressors. These engines would emit air pollutants that would contribute slightly to the degradation of local air quality. Since the grading activity would be of short duration, the associated impact is anticipated to be minor, and does not warrant mitigation under SEPA.

Environmental Health

The environmental checklist identified contaminated soils on site. If not properly handled, existing soil contamination could have an adverse impact on environmental health.

Mitigation of soil contamination and remediation is the jurisdiction of Washington State Department of Ecology (Ecology) Model Toxics Act: the Voluntary Cleanup Program mitigates risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for the materials. DPD has consulted with the Department of Ecology and determined that Ecology's jurisdiction and requirements for soil remediation will mitigate impacts associated with contamination.

The applicant has provided DPD with evidence of entering the Voluntary Cleanup Program through Ecology. Pursuant to the City's SEPA Overview Policy SMC 25.05.665E Ecology's review of the proposed cleanup activities at the site are assumed to be sufficient impact mitigation.

Streets and Sidewalk

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation impacts. Any temporary closures of the sidewalk and/or traffic lane(s) would be controlled with a street use permit through the Seattle Department of Transportation (SDOT). The applicant has prepared a Traffic Control Plan which details the hours of operation and truck routes for hauling material in and out of the site. The Plan has been approved by SDOT.

The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from demolition personnel) are not sufficiently adverse to warrant further mitigation by conditioning.

Long Term Impacts

None anticipated.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment and complies with ECA regulations. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

SEPA – CONDITIONS

None required.

Signature: _____ (signature on file) Date: July 21, 2014
Marti Stave, Senior Land Use Planner
Department of Planning and Development

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